

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 5, 1988
AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:24 a.m. The meeting was recessed by Mayor O'Connor at 11:58 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor McColl at 2:03 p.m. with Council Members Roberts, Filner, and Mayor O'Connor not present.

The meeting was recessed by Deputy Mayor McColl at 5:26 p.m. Deputy Mayor McColl reconvened the meeting at 5:28 p.m. with Mayor O'Connor not present. Deputy Mayor McColl adjourned the meeting at 5:44 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member McColl-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (tm,eb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-129: (R-88-1256) ADOPTED AS RESOLUTION R-270063

A Resolution approved by the City Council in Closed Session on Tuesday, December 1, 1987 by the following vote:

Wolfsheimer-not present; Cleator-yea; McColl-yea;
District 4-vacant; Struiksma-yea; Gotch-yea; McCarty-yea;
Ballesteros-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$100,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Jack and Micki Sarant (Superior Court Case No. 561904, Jack and Micki Sarant v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$100,000 made payable to Jack and Micki Sarant and their attorney, Peter Doft, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of all claims against the City of San Diego as a result of the incident of July 14, 1985.

Aud. Cert. 8800538.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A004-015.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-202: (R-88-1328) ADOPTED AS RESOLUTION R-270064

Authorizing the City Auditor and Comptroller to transfer the sum of \$20,000 within the General Fund 100 from the Unallocated Reserve 605 to the Allocated Reserve 901 for the purpose of defraying expert fees and other expenses in respect to litigation entitled "Metro-Young Construction Company v. City of San Diego (Jackson Drive) and Metro-Young Construction Company v. City of San Diego (Eastgate Technology Park)."

Aud. Cert. 8800577.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A015-025.)

MOTION BY STRUIKSMA TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-209: (R-88-1318) ADOPTED AS RESOLUTION R-270065

Establishing Impact Fees for the Fairbanks Country Club, Mira Mesa, North City West, North University City, Otay Mesa, Penasquitos East, Rancho Bernardo, Sabre Springs, Sorrento Hills, Tierrasanta and Via de la Valle Community Planning Areas.

(See City Manager Report CMR-88-05. Districts 1, 7 and 8.)

NOTE: See Item 208 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A536-B090.)

Hearing began at 11:01 a.m. and halted at 11:11 a.m.

MOTION BY McCARTY TO ADOPT AND TO DIRECT THE CITY MANAGER TO INCLUDE SABRE SPRINGS' UPDATED FACILITIES BENEFIT ASSESSMENT INFORMATION AS ESTABLISHED IN ITEM-333 OF JANUARY 5, 1988.

Second by Struiksma. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,

Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-330:

Two actions relative to the Garnet Avenue (Pendleton Street to Soledad Mountain Road) Underground Utility District: (Pacific Beach Community Area. District-6.)

Subitem-A: (R-88-782) ADOPTED AS RESOLUTION R-270066

Establishing an Underground Utility District to be known and denominated as the Garnet Avenue (Pendleton Street to Soledad Mountain Road) Underground Utility District.

Subitem-B: (R-88-783) ADOPTED AS RESOLUTION R-270067

Authorizing the expenditure of an amount not to exceed \$8,000 from CIP-37-028, Federal Revenue Sharing Fund 18014, for the purpose of administering the Garnet Avenue (Pendleton Street to Soledad Mountain Road) Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Garnet Avenue between Pendleton Street and Soledad Mountain Road. This is a scheduled project in the calendar year 1989 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. The total number of affected properties in this district is 8, of which 2 are single-family residential

properties, and 6 are commercial or multi-family properties. A typical cost range for a licensed contractor to perform this conversion work on residential private property is \$700 to \$1,200. Conversion costs on commercial properties may vary from \$700 to several thousand dollars or more due to differences in service size and location. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 8800372.

FILE LOCATION: STRT K-178

COUNCIL ACTION: (Tape location: A025-042.)

Hearing began at 10:23 a.m. and halted at 10:26 a.m.

MOTION BY HENDERSON TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (R-88-756) ADOPTED AS RESOLUTION R-270068

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the La Jolla Village Drive Landscape Maintenance District.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The proposed landscape maintenance district is located on the north and south of La Jolla Village Drive extending from Genesee Avenue to Interstate 5. The facilities proposed to be maintained consist of landscaped medians in La Jolla Village Drive from Regents Road to Interstate 5. The landscaping improvements are being installed by the developer of the Costa Verde Subdivision as part of the subdivision requirements. The developer will maintain the landscaping improvements until the summer of 1989. Following inspection and acceptance by the Park and Recreation Department, the maintenance will be taken over by the district starting in fiscal year 1990. Since no maintenance will be provided by the district during the current fiscal year 1988, no assessments will be levied to the district at this time.

FILE LOCATION: STRT M-148

COUNCIL ACTION: (Tape location: A042-215.)

Hearing began at 10:26 a.m. and halted at 10:40 a.m.

Testimony in favor by H. J. Swanson.

Testimony in opposition by Caral Gatchell and James Roohan, Jr.

MOTION BY WOLFSHEIMER TO ADOPT WITH THE CONDITION OF RE-EVALUATION IN ONE YEAR TO DETERMINE WHETHER OR NOT THE FEE SHOULD BE IMPOSED AT THAT TIME. Second by Cleator. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Five actions relative to the Improvement of Alley Block 26, Kensington Park:
(Mid-City Community Area. District-3.)

Subitem-A: (R-88-830) ADOPTED AS RESOLUTION R-270069
Resolution of Feasibility for the Improvement of Alley Block 26, Kensington Park under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.
NOTE: 8 votes required for

Subitem A.

Subitem-B: (R-88-828) ADOPTED AS RESOLUTION R-270070
Ordering the work for the Improvement of Alley Block 26, Kensington Park.

Subitem-C: (R-88-827) ADOPTED AS RESOLUTION R-270071
Approving the City Engineer's Report submitted in connection with the Improvement of Alley Block 26, Kensington Park.

Subitem-D: (R-88-826) ADOPTED AS RESOLUTION R-270072
Adopting the Plans and Specifications for the Improvement of Alley Block 26, Kensington Park.

Subitem-E: (R-88-829) ADOPTED AS RESOLUTION R-270073
Inviting sealed proposals for bids for the improvement of Alley Block 26, Kensington Park.

CITY MANAGER SUPPORTING INFORMATION: This is a petition initiated project. The owners of 67 percent of the property area involved signed the petition. The petition was accepted by Council on May 19, 1986, per Resolution R-265734. The alley to be improved is located between Marlborough Avenue and Kensington Drive, and between Madison Avenue and Monroe Avenue. The

improvements consist of an 8" sewer main, pedestrian ramps, and the grading and paving of a 15' wide alley. The new 8" sewer main will replace an existing deteriorated sewer main. There will be a City contribution for the replacement of the 8" sewer main.

WU-E-88-048.

FILE LOCATION: STRT D-2270

COUNCIL ACTION: (Tape location: A209-276.)

Hearing began at 10:40 a.m. and halted at 10:45 a.m.

MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (R-88-962) ADOPTED AS RESOLUTION R-270074

Designating an area of benefit in Sabre Springs and the boundaries thereof; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to said Public Facilities Projects, the method for apportioning the costs of said public facilities projects among the parcels within the area of benefit and the amount of the facilities benefit assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed public facilities project in the matter of the Sabre Springs Facilities Benefit Assessment area.
(See City Manager Report CMR-87-541. Sabre Springs Community Area. District-1.)

FILE LOCATION: STRT FB-9

COUNCIL ACTION: (Tape location: A276-536.)

Hearing began at 10:45 a.m. and halted at 11:01 a.m.

MOTION BY WOLFSHEIMER TO ADOPT THE CITY MANAGER'S RECOMMENDATION

WITH THE UNDERSTANDING THAT THE PROJECT 28 DESIGN DATE IS FY88, AND DIRECT THE CITY MANAGER TO PROVIDE YEARLY PARK DEVELOPMENT PROJECT INFORMATION FOR FY89 THROUGH FY94. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334: (O-88-96) INTRODUCED AND ADOPTED AS ORDINANCE
O-17004 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-16916 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1987-88 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document No. 00-16916-1, by increasing the Capital Improvements Program by incrementally adding the sum of \$839,812 to CIP-90-245, Capital Outlay Reserve - General Contingency Funds, as the revenue is received in anticipated revenues from the Federal Government for qualified project costs on the Ingraham Street Bridge over Fisherman's Channel.

(Mission Bay Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On July 29, 1987, the City Council by resolution approved the transfer of \$839,812 from CIP-90-245, Capital Outlay Fund Reserve - General Contingency Funds to CIP-53-036, Ingraham Street Bridge Over Fisherman's Channel. This action was necessary to allow the City to expend funds anticipated to be received from the Federal Government as reimbursement for qualified project costs. Inadvertently this reimbursement of costs was excluded in the resolutions approved by Council on July 29, 1987.

NOTE: See Item 213 on the docket of Monday, January 4, 1988 for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B090-093.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335:

(Continued from the meetings of November 23, 1987, Item 110, and December 7, 1987, Item 203; last continued at the City Manager's request, for further review.)

Two actions relative to the North University City

Facilities Benefit Assessment:

(See City Manager Report CMR-87-542. Located north of Rose Canyon between I-5 and I-805. North University City Community Area. District-1.)

Subitem-A: (R-88-919) ADOPTED AS RESOLUTION R-270075
Approving the document entitled, "The North University City

Public Facilities Financing Plan and Facilities Benefit
Assessment, October, 1987."

Subitem-B: (R-88-920) ADOPTED AS RESOLUTION R-270076

Resolution of Intention to designate an area of benefit in
North University City and setting the time and place for
holding a public hearing.

COMMITTEE ACTION: Reviewed by TLU on 11/9/87. Forwarded
Council with no recommendation. Districts 1, 6, 7 and 8 voted
yea.

FILE LOCATION: STRT FB-1

COUNCIL ACTION: (Tape location: B093-C165.)

MOTION BY WOLFSHEIMER TO ADOPT SUBITEM-A AMENDING THE FBA TO
INCLUDE THE NOBEL PARK SITE IN THE FBA AT A COST OF TEN MILLION
DOLLARS WITH THE INFLATION FACTOR AND TO DIRECT THE CITY MANAGER
TO BRING THIS BACK BEFORE COUNCIL IN ONE YEAR FOR RE-EVALUATION.
THE CITY MANAGER IS ALSO DIRECTED TO (1) REPORT TO RULES
COMMITTEE WITH RESPECT TO AN APPROPRIATE METHOD FOR ESTIMATING
THE VALUE OF THE CITY OWNED LAND TO BE UTILIZED FOR NOBEL PARK;
AND (2) REPORT TO RULES COMMITTEE WITH RESPECT TO ESTABLISHING
CRITERIA FOR A STAFF REPORT TO COUNCIL REGARDING SIGNIFICANT
CHANGES IN RATES DUE TO INTEREST OR INFLATION IN ALL FBAs.
ADOPT SUBITEM-B SETTING A HEARING DATE AND TIME OF FEBRUARY 16,
1988 AT 2:00 P.M. DIRECT CITY MANAGER TO PLACE THE PHASING PLAN
ON THE DOCKET IF IT IS READY BY FEBRUARY 16. Second by Pratt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336: (R-88-) RETURNED TO ADMINISTRATOR

(Continued from the meeting of November 17, 1987, Item
337H, at Council Member Struiksma's request, to allow the
prospective developer to be present.)

A variance request from the Interim Development Ordinance
(IDO) to construct a 3-unit condominium. The subject
property is located at Camino del Sol between Vallecitos
Street and Avenida de la Playa and is described as Assessor
Parcel No. 346-272-10. The MF-2 zoned site is within the
La Jolla Shores Planned District.

(Case-87-2258. District-1.)

Adoption of a Resolution granting or denying the variance
request for Case-87-2258 with appropriate findings to
support Council action.

FILE LOCATION: ZONE IDO Variance No. 87-2258

COUNCIL ACTION: (Tape location: D117-126, I181-187.)

MOTION BY WOLFSHEIMER TO ACCEPT THE WITHDRAWAL OF THE VARIANCE REQUEST. Second by McCarty. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-not present.

MOTION BY WOLFSHEIMER TO RETURN THE MATTER TO THE ADMINISTRATOR.

Second by Struiksma. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-not present.

ITEM-337: (R-88-) CONTINUED TO FEBRUARY 4, 1988

(Continued from the meeting of November 17, 1987, Item 337I, at Council Member Wolfsheimer's request, for further review.)

A variance request from the Interim Development Ordinance (IDO) to construct three single-family residences. The subject property is located at 1861, 77, and 83 Lancashire Way and is described as Assessor Parcel Nos. 272-750-25, 26, and 27. The R-1-5000 zoned site is within the Rancho Bernardo Community Plan.

(Case-87-2268. District-1.)

Adoption of a Resolution granting or denying the variance request for Case-87-2268 with appropriate findings to support Council action.

FILE LOCATION: ZONE IDO Variance No. 87-2268

COUNCIL ACTION: (Tape location: D040-050.)

MOTION BY WOLFSHEIMER TO CONTINUE TO FEBRUARY 4, 1988, AT THE MAYOR'S REQUEST TO BE HEARD WITH OTHER IDO VARIANCE REQUESTS AT A SPECIAL MEETING. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-338: (O-88-104) INTRODUCED, TO BE ADOPTED JANUARY 19, 1988

A proposal to amend Chapter IX (Sections 95.0101.E.2, E.36, and 95.0102.C) of the San Diego Municipal Code to permit a Demonstration Banner Program along Broadway between 17th Avenue and Harbor Drive in Centre City. The remainder of the Section would remain as is.

The proposed changes in the Ordinance would allow the inclusion of copy, symbols/logos, etc. The Banner Program delineates location, duration, and timing, as well as the design, placement, management and funding of the program. No commercial, political or religious advertising would be accepted.

This would authorize the Planning Director to issue sign permits and the City Engineer to issue encroachment permits for banners in the public right-of-way.

(District-4.)

Introduction of an Ordinance to permit a Demonstration Banner Program along Broadway in the Centre City.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D126-424.)

Hearing began 2:12 p.m. and halted 2:32 p.m.

Testimony in favor by Margery Wells, Billy Riley, Kimberly Prickett, and Kathy Kalland.

MOTION BY FILNER TO INTRODUCE, AND DIRECT THE CITY MANAGER TO REPORT BACK IN ONE YEAR REGARDING SAFETY, TRAFFIC HAZARDS, AND ANY OTHER COMPLAINTS OR PROBLEMS. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-339:

I-15 CORRIDOR CONSOLIDATED COMMUNITY PLAN AMENDMENTS

1. MIRA MESA Community Plan Amendments

A. 1) Public Facilities report.

2) Amendments to the Mira Mesa Community Plan to designate additional park sites at the following locations: 1) Southern terminus of Parkdale Avenue designated as Open Space (five acres); 2) Northern terminus of Camino Ruiz designated as very low density residential (five acres); and 3) The Carroll School site (ten acres) and to designate additional park acreage adjacent to existing park sites at the following locations: a) Hage Park designated as Elementary School (additional four acres); and b) Winterwood Park designated as Junior High School (additional 16 acres).

B. WESTVIEW Project (Case-86-0969)

Rezoning the 216-acre site from Zone A-1-10 and Hillside Review Overlay to Zones R1-5000, R-3000 and Hillside Review Overlay; and amending the Mira Mesa Community Plan to 1) Redesignate the 216-acre site from Very Low (0-4 du/ac) and Low (5-9 du/ac) density residential to Low Medium (10-15 du/ac) density residential; 2) Relocate the proposed third community park site

to the southwest corner of Miramar Community College and designate the original site to Low Medium (10-15 du/ac) density residential; 3) Reclassify Black Mountain Road from a four-lane major to a six-lane primary arterial between Galvin Avenue and Penasquitos Canyon bridge; 4) Reclassify Capricorn Way from a four-lane major to a four-lane collector between Westview Parkway and the western boundary of the subject property; and 5) Redesignate a 1.8-acre site from elementary school to medium density (30-45 du/ac) in response to the realignment of Galvin Avenue and Westview Parkway.

The subject property (approximately 216 acres) is located east and west of Black Mountain Road, north of Capricorn Way, and is further described as Parcel 2 of Parcel Map PM-13508 and a portion of the Northeast Quarter of the Northwest Quarter and the East Half of Section 30 of Township 14 South, Range 2 West, S.B.B.M.

C. MESA DEL SOL Project (Case-86-0613)

Rezoning the 84.5-acre site from Zone A-1-10, R1-5000, R-3000 and Hillside Review Overlay to Zones R1-5000, R-1500 and Hillside Review Overlay; and amending the Mira Mesa Community Plan to 1) Redesignate the 84.5-acre site from Commercial Recreation, Low (5-9 du/ac) and Low Medium (10-15 du/ac) density residential to Medium Low (16-29 du/ac) density residential; 2) Reclassify Black Mountain Road from a four-lane major to a six-lane primary arterial between Galvin Avenue and Los Penasquitos Canyon bridge; and 3) Reclassify Capricorn Way from a four-lane major to a four-lane collector between Westview Parkway and the western boundary of the subject property.

The subject property is located east and west of Black Mountain Road, north of Galvin Avenue, and is further described as Lots 1-297, Mesa del Sol, Tract 9407.

D. CARROLL CENTER II Plan Amendment (Case-87-0122)

Amending the Mira Mesa Community Plan to 1) redesignate a 302.5-acre site from Extractive Industrial and Industrial Park to Multi-Use Specific Plan and Neighborhood Park; 2) reclassify Carroll Canyon Road from a six-lane major to a four-lane major between Maya Linda Road and Black Mountain Road; and 3) reclassify Carroll Canyon Road from a six-lane major to a six-lane primary arterial between Camino Santa Fe and Camino Ruiz.

The subject property is located north and south of the planned extension of Carroll Canyon Road from east of Black Mountain Road to west of Camino Ruiz, and is further described as portions of Sections 1 and 6, Township 15 South, Range 2 West and Range 3 West, S.B.B.M., and Lots 3, 4, 5 and 6 of Carroll

Canyon Centre, Map-10179.

E. CARROLL CANYON Plan Amendment (Case-87-0163)

Amending the Mira Mesa Community Plan to 1) Redesignate a 596-acre site from Extractive Industrial and Open Space to Low Medium (10-14 du/ac) density residential, Neighborhood Commercial, Office Commercial, Light Industrial, Open Space, and Neighborhood Park; 2) Reclassify Carroll Canyon Road from a six-lane major to a four-lane major between Maya Linda Road and Black Mountain Road; and 3) Reclassify Carroll Canyon Road from a six-lane major to a six-lane primary arterial between Camino Santa Fe and Camino Ruiz.

The subject property is located on the north and south sides of Carroll Canyon Road between El Camino Memorial Park and Camino Ruiz, and is further described as portions of Sections 1, 2 and 3, Township 15 South, Range 3 West, S.B.B.M.

F. LUSK UNIT 5 Project (Case-84-0667)

1. Appeals of Lusk-Smith/Mira Mesa North, by Terry R. Plowden, from the decision of the Planning Commission in denying an amendment to a Conditional Use Permit, a Planned Industrial Development Permit and a Tentative Map, CUP, PID and TM-84-0667 (Lusk Mira Mesa Business Park East I, Unit 5).

The CUP (old CUP-4120) proposes to delete property from the El Camino Memorial Park Cemetery; the TM proposes a two-lot subdivision; and the PID would construct and operate Lusk Mira Mesa Business Park East I, Unit 5, all on the below described real property.

2. Rezoning the below described real property (approximately 13.42-acres) from Zone A-1-10 to Zone M-1B and Hillside Review Overlay

3. Amending the Mira Mesa Community Plan to redesignate the below described 13.42-acre site from Cemetery to Manufacturing Industrial.

The subject property (approximately 13.42 acres) is located in the northeast portion of El Camino Memorial Park, south of the Lusk Mira Mesa Business Park East and is further described as a portion of Lot 1, El Camino Memorial Park, Map-4719.

2. CARMEL MOUNTAIN RANCH Community Plan Amendment

A. Rezoning various properties and adjusting zoning district boundaries within the Carmel Mountain Ranch Community Plan area, as shown on Master Rezoning Sheet C-686.2; and

B. Amending the Carmel Mountain Ranch Community Plan by

1) Minor modifications to the configuration of various parcels;

2) Redesignation of 0.9 acres of Neighborhood Commercial and 0.9-acres of Private Recreation to Community Commercial use;

3) Redesignation of 5 acres of Tourist Commercial to Low-Medium

Density Residential use; 4) Redesignation of 4.6 acres of Low-Medium Density Residential to Neighborhood Commercial use; 5) Reduction of the number of residential units in the community from 5,600 to 5,420; 6) A requirement that certain infrastructure improvements identified in the Carmel Mountain Ranch Facilities Financing Plan shall have commenced construction prior to approval of final maps for the succeeding phase of residential development. (Seven non site specific phases of residential development area will be included in the amended plan); 7) Elimination of the requirement that each parcel within the community be assigned to a specific time period for development; and 8) Adjustment of zoning district boundaries and designations to conform to the revised parcel configurations and designations in the amended community plan. The zoning modifications are shown on Master Rezoning Sheet C-686.2.

The subject property includes the entire 1,489-acre Carmel Mountain Ranch community and is bounded by the Rancho Bernardo community to the north, I-15 to the west, the Sabre Springs community to the south and the City of Poway to the east. (Cases 86-0969, 86-0613, 87-0122, 87-0163, and 84-0667, District-5.) (Case-87-0567. District-1.)
MIRA MESA Community Plan Amendments

19880105

Subitem-A: (R-88-1129 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-270077

Adoption of a Resolution amending the Mira Mesa Community Plan to redesignate additional park sites.

Subitem-B: (R-88-1130) ADOPTED AS RESOLUTION R-270078

Adoption of a Resolution amending the Mira Mesa Community Plan to expand the boundaries.

Subitem-C : (R-88-1131) ADOPTED AS RESOLUTION R-270079

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0889 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

WESTVIEW Project (Case-86-0969)

Subitem-D: (R-88-1147) ADOPTED AS RESOLUTION R-270080

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-86-0969 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-E: (O-88-90) INTRODUCED, TO BE ADOPTED JANUARY 19, 1988

Introduction of an Ordinance for R-3000 Zoning.

Subitem-F: (R-88-1127 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-270081

Adoption of a Resolution amending the Mira Mesa Community Plan affecting property east and west of Black Mountain Road and north of Capricorn Way.

Subitem-G: (R-88-1696) ADOPTED AS RESOLUTION R-270082

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-86-0969.

MESA DEL SOL Project (Case-86-0613)

Subitem-H: (R-88-1145) CONTINUED TO JANUARY 19, 1988, 2:00 P.M.

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-86-0613 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-I: (O-88-92) CONTINUED TO JANUARY 19, 1988, 2:00 P.M.

Introduction of an Ordinance for R-2000 Zoning.

Subitem-J: (R-88-1128) CONTINUED TO JANUARY 19, 1988, 2:00 P.M.

Adoption of a Resolution amending the Mira Mesa Community Plan affecting property east and west of Black Mountain Road and north of Galvin Avenue.

Subitem-K: (R-88-) CONTINUED TO JANUARY 19, 1988,
2:00 P.M.

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-86-0613.
CARROLL CENTER II Plan Amendment (Case-87-0122)

Subitem-L: (R-88-1125) ADOPTED AS RESOLUTION R-270083

Adoption of a Resolution amending the Mira Mesa Community Plan affecting property north and south of the planned extension of Carroll Canyon Road.

Subitem-M: (R-88-1306) ADOPTED AS RESOLUTION R-270084

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-0122 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-N: (R-88-1672) ADOPTED AS RESOLUTION R-270085

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-87-0122.
CARROLL CANYON Plan Amendment (Case-87-0163)

Subitem-O: (R-88-1126) ADOPTED AS RESOLUTION R-270086

Adoption of a Resolution amending the Mira Mesa Community Plan affecting property on the north and south sides of Carroll Canyon Road, between El Camino Memorial Park and Camino Ruiz.

Subitem-P: (R-88-1305) ADOPTED AS RESOLUTION R-270087

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-0163 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-Q: (R-88-1673) ADOPTED AS RESOLUTION R-270088

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-87-0163.
LUSK UNIT 5 Plan Amendment (Case-84-0667)

Subitem-R: (R-88-1144) CONTINUED TO APRIL 12, 1988, 10:00 A.M.

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-84-0667 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-S: (R-88-) CONTINUED TO APRIL 12, 1988, 10:00 A.M.

Adoption of a Resolution granting or denying the appeal and the PID permit with appropriate findings to support Council action.

Subitem-T: (R-88-) CONTINUED TO APRIL 12, 1988, 10:00 A.M.

Adoption of a Resolution granting or denying the appeal and the amendment to the CUP permit with appropriate findings to support Council action.

Subitem-U: (R-88-) CONTINUED TO APRIL 12, 1988, 10:00 A.M.

Adoption of a Resolution granting or denying the appeal and the map with appropriate findings to support Council action.

Subitem-V: (O-88-93) CONTINUED TO APRIL 12, 1988, 10:00 A.M.
Introduction of an Ordinance for M-1B Zoning.

Subitem-W: (R-88-1132) CONTINUED TO APRIL 12, 1988, 10:00 A.M.

Adoption of a Resolution denying an amendment to the Mira Mesa Community Plan redesignating a 13.4-acre site south of Mesa Rim Road and adjacent to the existing Lusk Mira Mesa Business Park East.

Subitem-X: (R-88-) CONTINUED TO APRIL 12, 1988, 10:00

A.M.

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-84-0667.
CARMEL MOUNTAIN RANCH Community Plan Amendment

Subitem-Y: (R-88-971) ADOPTED AS RESOLUTION R-270089

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-87-0300 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-Z: (O-88-102) INTRODUCED, TO BE ADOPTED JANUARY 19, 1988

Introduction of an Ordinance for various Zoning.

Subitem-AA: (R-88-970) ADOPTED AS RESOLUTION R-270090

Adoption of a Resolution amending the Carmel Mountain Ranch Community Plan and amending the Progress Guide and General Plan, to become effective after the next omnibus hearing.

FILE LOCATION:

Subitems A, B, C, and D LAND Mira Mesa Community Plan,

Subitem-E --,

Subitems F, G, and H LAND Mira Mesa Community Plan,

Subitem-I --,

Subitems J, K, L, M, N, O, P, Q, and R
LAND Mira Mesa Community Plan,

Subitem-S PERM PID-84-0667,

Subitem-T PERM CUP-4120,

Subitem-U SUBD Lusk Mira Mesa Business Park East I, Unit 5,

Subitem-V --,

Subitems W and X Mira Mesa Community Plan,

Subitem Y LAND Carmel Mountain Ranch Community Plan,

Subitem-Z --,

Subitem-AA LAND CARMEL MOUNTAIN RANCH COMMUNITY PLAN.

COUNCIL ACTION: (Tape location: D013-017, D425-I087.)

Hearing began 2:33 p.m. and recessed at 5:26 p.m.

Hearing reconvened at 5:28 and halted at 5:34 p.m.

MOTION BY STRUIKSMA TO CONTINUE THE LUSK UNIT 5 PROJECT TO APRIL 12, 1988, 10:00 A.M. AT HIS REQUEST FOR THE DEVELOPER AND THE COMMUNITY TO REACH AN AGREEMENT OR LOOK AT ALTERNATIVES. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

Testimony in favor of the Mira Mesa Community Plan Amendments A-1 and 2 by Ted Vanpoucke, Jeff Stevens and Pamela Stevens.

Testimony in opposition to A-1 and 2 of the Mira Mesa Community Plan Amendments by Kathy Giles.

The hearing relating to the Mira Mesa Community Plan amendments for park sites and boundaries was closed.

MOTION BY STRUIKSMA TO ADOPT SUBITEM-A AS AMENDED TO CHANGE THE NORTHERN TERMINUS OF CAMINO RUIZ FROM A 5-ACRE SITE TO REFLECT A 10-ACRE SITE. Second by McCarty. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present

MOTION BY STRUIKSMA TO ADOPT SUBITEMS B AND C. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

Mayor O'Connor entered at 3:03 p.m.

Testimony in favor of the Mira Mesa Community Plan Amendments for the Westview Project by Robert Bacon, David Pool, Bruce Brown, Gene French, Helen Bowles, Pamela Stevens, Jeff Stevens, Donna Hinkle, Verne Goodwin, and Ted Vanpoucke.

Testimony in opposition to the Westview project by Robert Bramble, Kathy Giles, Oscar Serrano, Victor Hymens, Allen Haynie, Clem Abrams, and Guy Winton.

MOTION BY STRUIKSMA TO APPROVE THE WESTVIEW PROJECT WITH THE FOLLOWING CONDITIONS: 1) THAT THE DESIGN OF THE UNIT TYPE ON PAD H BE CHANGED TO REFLECT THE UNIT TYPE OF PAD I, 2) THAT

WITHIN NINE MONTHS OF THE BEGINNING OF CONSTRUCTION OF THE THIRD COMMUNITY PARK SITE, THE APPLICANT SHALL SIGNALIZE THE INTERSECTION OF BLACK MOUNTAIN ROAD AT HILLERY DRIVE WITH THE COSTS TO BE REIMBURSED BY THE DEVELOPERS OF THE KAISER PROPERTY, 3) THAT ALL ROAD IMPROVEMENTS WITHIN THE WESTVIEW PROJECT BOUNDARIES BE COMPLETED PRIOR TO OCCUPANCY OF ANY UNITS, 4) THAT FIVE ACRES OF HAGE PARK AND TWENTY-FIVE ACRES OF THE THIRD COMMUNITY PARK BE COMPLETED BEFORE OCCUPANCY OF ANY UNIT.

Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY STRUIKSMA TO CONTINUE THE MESA DEL SOL PROJECT TO JANUARY 19, 1988, 2:00 P.M. AT THE REQUEST OF SHAPELL INDUSTRIES FOR FURTHER REVIEW. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Mayor O'Connor left 5:07 p.m.

Testimony in favor of the Carroll Center II Plan Amendment and the Carroll Canyon Plan Amendment by Rick Aschenbrener, Bruce Warren, Jeff Stevens, and Pamela Stevens.

MOTION BY STRUIKSMA TO ADOPT SUBITEMS L, M, N, O, P, AND Q.

Second by McCarty. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

MOTION BY WOLFSHEIMER TO SUSPEND THE RULES AND EXTEND THE TIME OF THE COUNCIL MEETING TO 6:30 P.M. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

MOTION BY WOLFSHEIMER TO ADOPT THE RESOLUTIONS FOR SUBITEMS Y AND AA AND INTRODUCE THE ORDINANCE FOR SUBITEM-Z. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-340:

Three actions relative to the Public Improvement Permit for Westview Parkway:
(Rancho Penasquitos Community Area. District-1.)

Subitem-A: (R-88-1095) ADOPTED AS RESOLUTION R-270091
Authorizing the City Engineer to issue a Public Improvement Permit to Pardee Construction Company for the construction of Westview Parkway.

Subitem-B: (R-88-1096) ADOPTED AS RESOLUTION R-270092
Certifying that the information contained in Environmental Impact Report EIR-87-0177, issued in connection with the Westview Planned Residential Development, Black Mountain Road and associated road improvements, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, and that said report has been reviewed and considered by the Council.

Subitem-C: (R-88-1117) ADOPTED AS RESOLUTION R-270093
Adopting the findings made with respect to the feasibility of the mitigating measures and project alternatives and the statements of overriding considerations contained in the Candidate Findings and Statement of Overriding Considerations for the construction of Black Mountain Roadway Network and Westview Planned Residential Development.

CITY MANAGER SUPPORTING INFORMATION: The City Manager's office has been working with the various property owners/developers in the Black Mountain Road corridor in an effort to facilitate the construction of high-capacity roadways in the area. As elaborated in City Manager Report CMR-87-212, the first phase of this project will be the construction of Westview Parkway from Black Mountain Road to Capricorn Way. Because the length of this portion of Westview Parkway is in excess of 3,000 feet, Municipal Code Section 62.6202 requires that the City Council approve the issuance of any Public Improvement Permit to perform this work. Concurrently, this action calls for the Council to consider the certification of the applicable Environmental Impact Report. It should be noted that the permittee, the Pardee Construction Company, is constructing this roadway in conjunction with the development of its Westview Subdivision. This action, however, does not provide any of the necessary approvals for this subdivision and, therefore, any construction activity not related to this roadway continues to be precluded.

FISCAL IMPACT: None. All construction and related costs are being borne by the Pardee Construction Company.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I097-I100.)

MOTION BY WOLFSHEIMER TO APPROVE. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-341: FILED

In the matter of the revised alignment of Westview Parkway, between Mira Mesa Boulevard and Galvin Avenue, established by City Council action approving TM-85-0500, Mesa Shopping Center East, on January 13, 1987.

(See City Attorney's Report dated December 10, 1987. Mira Mesa Community Area. District-5.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I100-133.)

MOTION BY STRUIKSMA TO NOTE AND FILE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-CS-1: (R-88-1388) ADOPTED AS RESOLUTION R-270095

A Resolution adopted by the City Council in Closed Session on January 5, 1988:

Settlement of claim resulting from the personal injuries to Joseph Harrison; authorizing the City Auditor and Comptroller to issue one check to Joseph Harrison and his attorney, Steven Dentor, in the amount of \$25,000, in full settlement of all claims.

Aud.Cert: 8800633

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent the meeting was adjourned by Deputy Mayor McColl at 5:44 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I197).